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Attorneys for DATAWAY, INC.  
Defendant and Counterclaimant

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

AT&T Corp.

PLAINTIFF,

v.

Dataway, Inc.

DEFENDANT.

Dataway, Inc.

COUNTERCLAIMANT

v.

AT&T Corp.

COUNTERDEFENDANT

**CASE NO. C07-02440 MMC**

**NOTICE OF MOTION AND MOTION  
TO DISMISS AT&T's COMPLAINT  
FOR**

- 1. LACK OF SUBJECT MATTER  
JURISDICTION**
- 2. IMPROPER VENUE**
- 3. INSUFFICIENCY OF PROCESS**
- 4. INSUFFICIENCY OF SERVICE OF  
PROCESS**
- 5. FAILURE TO STATE A CLAIM  
UPON WHICH RELIEF CAN BE  
GRANTED**

**Date: Friday, December 14, 2007**  
**Time: 9 a.m.**  
**Courtroom: No. 7**

1 PLEASE TAKE NOTICE that on Friday, December 14, 2007, in Courtroom  
2 No. 7 of this Court, located at 450 Golden Gate Avenue, San Francisco, California  
3 94102, before the Honorable Judge Maxine M. Chesney Defendant Dataway, Inc.'s  
4 Motion to Dismiss AT&T's Complaint which is incorporated in Defendant Dataway's  
5 Answer and Counterclaim filed on October 17, 2007, Docket No. 31 will be heard.

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9 DATED: November 9<sup>th</sup>, 2007

MATLOCK LAW GROUP

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11 By: 

Anne-Leith Matlock

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13 Attorney for Defendant and Counterclaimant  
14 DATAWAY, INC.  
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